

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNIE L. PERRY,

Defendant.

**8:20CR200**

**ORDER ON  
INITIAL REVIEW**

This matter is before the Court on defendant Lonnie L. Perry's ("Perry") Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 112). Perry contends his trial counsel was unconstitutionally ineffective in several respects. *See Strickland v. Washington*, 466 U.S. 668, 694 (1984). He seeks an evidentiary hearing. *See* 28 U.S.C. § 2255(b).

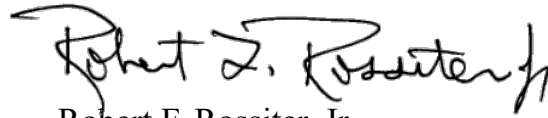
Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts requires the Court to complete an initial review of Perry's § 2255 motion. Unless "it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief," the Court must order the United States Attorney to respond to the motion or "take other action the judge may order." *Id.*; *accord* 28 U.S.C. § 2255(b).

The Court has completed a preliminary review of Perry's motion and concludes summary dismissal is not warranted on this record. Accordingly, the United States Attorney shall answer or otherwise respond to Perry's motion on or before June 7, 2024.

IT IS SO ORDERED.

Dated this 6th day of May 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge